

REMARKS

The Advisory Action of January 30, 2008, finds applicant's inadvertent reference to 35 USC 102 and not rejection of independent claim 1 under 35 USC 103, but still considers the Response of January 15, 2008, too narrowly.

A rejection under 35 USC 103 still requires a rational underpinning. Claim 1 has couplings entirely of metallic substance in ducting that connects a compressor to a heat exchanger of the motor vehicle. The patent does not.

The patent shows in Figs. 3 and 4, for example, couplings that include plastic and rubber components. See, *MPEP* 608.02.

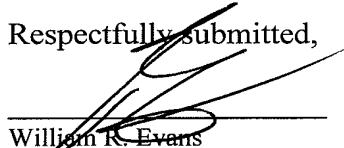
The drawing disclosure of plastic and rubber in the couplings of the patent is supported by the text of the patent at, for example, column 6, lines 50-53, for O-rings 38. Unlike the bearings 36, 37, which are preferably Nylon as shown in Figs. 3 and 4, but may be metal, there is NO DISCLOSURE OR SUGGESTION THAT O-RINGS 38 MAY BE OTHER THAN THE RUBBER SHOWN OR POLYMERIC MATERIAL DESCRIBED.

Neither the function of vibration damping as described in the specification for the claimed structure nor the claimed structure without rubber joints for this can be obvious from a patent that shows rubber joints. Rubber joints cannot make metallic joints obvious without some rational underpinning. The patent cannot provide the rational underpinning for something it neither discloses nor suggests. Therefore, the claimed invention is not obvious from the patent, because:

... [R]ejections on obviousness cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.*, Fed. Reg. October 10, 2007, 57526, 57528-9.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



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